**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928**

**WP(C).No. 18314 of 2003(E)**
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**PETITIONER:**
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**SAJITHA W/O. NANDANAN, KOLLANUR HOUSE,**
**THRIKKANAPURAM AMSOM, KOORADA DESOM,**
**THRIKKANAPURAM P.O., MALAPPURAM DISTRICT**

**BY ADV. SRI.P.CHANDRASEKHAR**

**RESPONDENTS:**
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**1. THE THAHASILDAR, PONNANI,**
**MALAPPURAM DISTRICT.**

**2. THE VILLAGE OFFICER, THAVANUR.**

**3. ABDUL KAREEM S/O. MOHAMMED HAJI,**
**VELIYAPPAN THODIYIL HOUSE, PARASANNUR P.O.,**
**KUTTIPURAM, MALAPPURAM DISTRICGT.**

**BY GOVERNMENT PLEADER SMT.K.R.DEEPA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ORDER ON CMP. NO.4214/2003 IN WPC. NO.18314/2003**

**DISMISSED**

**14.03.2007** **SD/- KURIAN JOSEPH, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE REGISTERED SALE DEED DT.30.3.01 DEED.**

**EXT.P2:- COPY OF THE REGISTERED SALE DEED DT.4.1.2000.**

**EXT.P3:- COPY OF THE RECEIPT NO.50 DT. 10.8.2000.**

**EXT.P4:- COPY OF THE ENCUMBRANCE CERTIFICATE DT.23.2.01.**

**EXT.P5:- COPY OF THE NOTICE NUMBER 31-2500-96 PRI-210/97-98.**

**/TRUE COPY/**

**tss**

**KURIAN JOSEPH, J.**

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**W.P.(C) No.18314 of 2003**

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**Dated 14th March, 2007.**

**J U D G M E N T**

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or any other appropriate writ or direction, directing respondents 1 and 2 not to enforce Ext.P5 and not to conduct sale of petitioner's property in Resurvey No.131/1C of Thavanur Village for any amount due from the 3rd respondent."

On 12.6.2003, this Court passed the following order in I.A.No.4214/03 :-

> "The petitioner will produce a copy of this order before the first respondent who will proceed for recovery against the third respondent and, against his other properties if he is the defaulter and file a report to this court within two weeks. There will be stay against the recovery proceedings against the petitioner and her property for one month."

Since there was no report, on 15.2.2007, this Court passed the following order :

> "There will be a direction to the first respondent to file an affidavit/statement within two weeks."

Still, there is no statement or report. Therefore, the writ petition is allowed in terms of the prayer extracted above, making it clear that if in the process, the Government has suffered any loss, it will be open to the Government to realise the same from the erring officers.

**KURIAN JOSEPH, JUDGE.**

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**KURIAN JOSEPH, J**

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**W.P.(C)No.18314 of 2003**

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**J U D G M E N T**

**Dated 14th March, 2007.**